

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMES MILAS,

Petitioner,

v.

MICHAEL OVERMEYER, et al.,

Respondents.

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CIVIL ACTION NO. 15-3322

**ORDER**

**AND NOW**, this 11th day of August, 2016, after considering the petition for a writ of habeas corpus and supporting memorandum of law filed by the *pro se* petitioner, James Milas (Doc. No. 1), the response to the petition filed by the respondents (Doc. No. 15), the state court record, the report and recommendation filed by United States Magistrate Judge Marilyn Heffley (Doc. No. 17), and the petitioner's objections to the report and recommendation (Doc. No. 21); and after also considering the petitioner's motion for stay and abeyance (Doc. No. 2); and for the reasons set forth in the separately-filed memorandum opinion, it is hereby ordered as follows:

1. The clerk of court is **DIRECTED** to remove this action from civil suspense and return it to the court's active docket;

2. The petitioner's objections to the report and recommendations (Doc. No. 21) are **OVERRULED**;

3. The report and recommendation filed by Magistrate Judge Heffley (Doc. No. 17) is **APPROVED** and **ADOPTED**;

4. The petitioner's motion for stay and abeyance (Doc. No. 2) is **DENIED**;

5. The petitioner's request for appointment of counsel (Doc. No. 2) is **DENIED**;

6. The petition for a writ of habeas corpus is **DENIED**;

7. The court shall not issue a certificate of appealability; and
8. The clerk of court is **DIRECTED** to mark this matter as **CLOSED**.

BY THE COURT:

/s/ Edward G. Smith  
EDWARD G. SMITH, J.